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EXAMINER

SHEDRICK, CHARLES TERRELL

ART UNIT

PAPER NUMBER

2687

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/643,763

Applicant(s)

SHISHIDO ET AL.

Examiner

Charles Shedrick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08/19/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,5,6, and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Nitadori (US Patent No.: 5,875,183).

Consider **claim 1**, Nitadori teaches a method for communication among mobile units, comprising: acquiring information from another mobile unit through a physical network while a vehicle is moving or stopped (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); registering a mobile unit that satisfies a predetermined condition as a member of a virtual logic network based on the condition by referring to the acquired information (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); and selecting a communicating party from among the members of an appropriate virtual logic network according to an event when the event takes place and communicating with the selected party (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

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Consider **claim 5**, Nitadori teaches a method for communication among mobile units, comprising: acquiring information from another mobile unit through a physical network while a vehicle is moving or stopped (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); registering mobile units that satisfy predetermined conditions as members of virtual logic networks based on the conditions by referring to the acquired information (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65–col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); selecting one virtual logic network from among the plurality of virtual logic networks on the basis of an environment or situation change of a driver or a vehicle or in response to a driver's request (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**); and setting the selected virtual logic network as an active network(i.e., once the network or group is selected active communication can take place which qualifies the network as active)(**col. 5 line – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

Consider **claim 6** and as applied to the method for communication among mobile units according to claim 5, wherein the act of registering members further comprises: receiving information for specifying a mobile unit identity and a condition from a mobile unit (**col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line 65, col. 10 line 65 –col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18 line 43**), and referring to the received information, and if the mobile unit satisfies any one of various conditions, then registering the mobile unit as a network member of a virtual network based on the condition (i.e., mobile units are registered in

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various routing tables and address database based on the condition or information in the packet.

The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (col. 5 line 60 – col. 6 line 60, col. 10 line 65– col. 12 line 15, col. 18 lines 34–40, and col. 14 line 49 – col. 16 line 7).

Consider **claim 9** and as applied to the method for communication among mobile units according to claim 5, wherein a particular member is selected from among the members constituting the active network on the basis of an environment or situation change of the driver or vehicle or in response to a driver's request (col. 5 line 60– col. 6 line 8, col. 14 line 49 –col. 15 line 15), and a connection to the selected member is established to communicate with the member (col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 2-4,7-8,10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nitadori (US Patent No.: 5,875,183)** in view of **Himmelstein (U.S. Patent No.: 6,647,270)**.

Consider **claim 10**, Nitadori teaches a vehicular communication apparatus mounted on a vehicle to communicate with another mobile unit, comprising: an information acquirer 22 (i.e., the terminals of figure 2) for acquiring information from another mobile unit through a physical network while a vehicle is moving or stopped (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); a registrar 20 (i.e., **the router of figure 2**) for registering, in a member table (i.e., tables in the router or the tables in the directory that are built using information from the router), a mobile unit that satisfies a predetermined condition as a member of a virtual logic network based on the condition by referring to the acquired information (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65–col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**); and a communicating

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party selector 22 (i.e., also see **terminal 22 of figure 2** which has the ability to acquire and select) for selecting a communicating party by using the table of the virtual logic networks according to an event when the event takes place and communicating with the selected party(**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46 (figure 2) (col. 3 line 50- col. 4 line 21)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider claim 14, Nitadori teaches a vehicular communication apparatus mounted on a vehicle to communicate with another mobile unit, comprising: an information acquirer for acquiring information from another mobile unit through a physical network while a vehicle is moving or stopped (**abstract, col. 5 lines 60-65, and col. 13 lines 7-46**); a registrar for registering mobile units that satisfy predetermined conditions as members of virtual logic networks based on the conditions by referring to the acquired information(i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10**

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line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7); and a communicating party selector for selecting a particular virtual logic network from the plurality of virtual logic networks on the basis of an environment or situation change of the driver or vehicle or in response to a driver's request (**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**), setting the selected virtual logic network as an active network(i.e., once the network or group is selected active communication can take place which qualifies the network as active) (**col. 5 line – col. 6 line 8, col. 14 line 49 –col. 15 line 15**), and selecting a communicating party to effect communication with the selected party(**col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46 (figure 2) (col. 3 line 50- col. 4 line 21)**.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider **claim 2** and as applied to the method for communication among mobile units according to claim 1, Nitadori teaches wherein the act of registering a member creates a member table for registering members of networks in association with the virtual logic networks (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or

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destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (**col. 5 line 60 – col. 6 line 60, col. 10 line 65– col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**), and the act of selecting a communicating party further comprises using the member table of the virtual logic networks to perform communication with the selected party (**col. 5 line 60– col. 6 line 8, col. 14 line 49 –col. 15 line 15**).

However, Nitadori does not specifically teach also creating a resource table for registering a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party.

In the same field of endeavor, Himmelstein teaches creating a resource table (i.e., a log) for registering (i.e., logging) a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party (**col. 9 line 45–col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 3** and as applied to the method for communication among mobile units according to claim 1, Nitadori teaches wherein the physical network is formed by exchanging predetermined information among vehicular communication apparatuses mounted **on individual vehicles** (**col. 5 line 60 – col. 6 line 60, col. 10 line 65– col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**).

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However, Nitadori does not specifically teach vehicular communication apparatuses mounted in vehicles.

In the same field of endeavor, Himmelstein teaches vehicular communication apparatuses mounted in vehicles **46 (figure 2) (col. 3 line 50- col. 4 line 21).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include a vehicular communication apparatus mounted in the vehicle as taught by Himmelstein for the purpose of providing Audio and Visuals relating to the communication of vehicles to the occupants.

Consider **claim 4**, and as applied to the method for communication among mobile units **according to claim 3**, Nitadori as modified by Himmelstein teaches wherein the predetermined information includes at least the identity and position of a mobile unit **(col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line 65, col. 10 line 65 –col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18 line 43).**

Consider **claims 7 and 16** and as applied to the method for communication among mobile units **according to claim 4 and the vehicle apparatus according to claim 14**, Nitadori teaches wherein the act of registering members further comprises registering members in virtual logic networks to which they belong in association with the network members **(col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7).**

However, Nitadori does not specifically teach registering the capabilities of members. In the same field of endeavor, Himmelstein teaches registering (i.e., based on logging) the capabilities of members **(col. 9 line 45-col. 10 line 40).**

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 8 and 17** as applied to the method for communication among mobile units according to claim 7 and the vehicular apparatus of claim 14, Nitadori teaches wherein a member table for registering members of the networks (**col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7**) are created in association with virtual logic networks.

However, Nitadori does not specifically teach a resource table for registering a capability of each member.

In the same field of endeavor, Himmelstein teaches a resource table (i.e., from the log) for registering a capability of each member (**col. 9 line 45-col. 10 line 40**).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 11** and as applied to the vehicular communication apparatus according to claim 10, Nitadori teaches wherein the registrar further creates a table for registering the members in virtual logic networks to which they belong (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the

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network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7), and the communicating party selector carries out communication by using the member table of virtual logic networks according to an event when the event takes place (col. 5 line 60 – col. 6 line 8, col. 14 line 49 –col. 15 line 15).

However, Nitadori does not specifically teach also creating a resource table for registering a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party.

In the same field of endeavor, Himmelstein teaches creating a resource table (i.e., a log) for registering (i.e., logging) a capability of each member and the act of selecting a communicating party further comprises using the resource table to perform communication with the selected party (col. 9 line 45-col. 10 line 40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Nitadori to include the teachings of Himmelstein for the purpose of specifying groups in which communication may be directed and to prevent flooding of information to other users that may not interested.

Consider **claim 12** and as applied to claim 10, Nitadori as modified by Himmelstein teaches the vehicular communication apparatus according to claim 10, comprising an inter-vehicle transmitter/receiver 16 (**figure 2a**) and an inter-vehicle controller 16 (**figure 2a**) (i.e., also (col.4 lines 66- col. 6 line 48).

Consider **claim 13** and as applied to the vehicular communication apparatus according to

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claim 12, Nitadori as modified by Himmelstein teaches wherein the inter-vehicle controller has resource databases (i.e., directory service), such as a map database, a know-how database, a user profile database and an emergency database (col. 5 lines 60-65, col. 6 lines 10-36, col. 14 lines 59-col. 15 line 15).

Consider **claim 15** and as applied to the vehicular communication apparatus according to claim 14, Nitadori as modified by Himmelstein teaches receiving information for specifying a mobile unit identity and a condition from a mobile unit (col. 5 line 60 – col. 6 line 43, col. 9 lines 50 – line 65, col. 10 line 65 –col. 12 line 44, col. 14 line 49- col. 16 line 18, and col. 17 line 42 – col. 18 line 43), and referring to the received information, and if the mobile unit satisfies any one of various conditions, then registering the mobile unit as a network member of a virtual network based on the condition (i.e., mobile units are registered in various routing tables and address database based on the condition or information in the packet. The routers can use this information to register the source or destination as part of the network based on conditions such as traffic management. Nitadori also noted that the router uses common routing protocols that are well known in the art) (col. 5 line 60 – col. 6 line 60, col. 10 line 65- col. 12 line 15, col. 18 lines 34-40, and col. 14 line 49 – col. 16 line 7).

Consider **claim 18** and as applied to the vehicular communication apparatus according to claim 14, Nitadori as modified by Himmelstein wherein the communicating party selector further selects a particular member from among the members constituting the active network on the basis of an environment or situation change of the driver or vehicle or in response to a driver's request (col. 5 line – col. 6 line 8, col. 14 line 49 –col. 15 line 15), and establishes a connection to the selected member to communicate therewith(col. 5 line 60 – col. 6 line 8, col. 14 line 49 –

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col. 15 line 15).

Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Himmelstein (U.S. Patent No.: 6,647,270)** in view of **(Naboulsi US Patent Pub. No.: 2003/0096593 A1)**

Consider **claim 19**, Himmelstein teaches a vehicular communication apparatus mounted in a vehicle to communicate with another mobile unit, comprising; an importance level determiner for determining an importance level regarding the necessity for communication with a neighbor on the basis of the condition (**col. 4 lines 48 – 67, col. 5 lines 32-38, and col. 14 line 62**); an information-to-be-sent decider **40** (i.e., the microprocessor)(**figure 2**) for deciding on information to be sent on the basis of the importance level when it is determined necessary to communicate with the neighbor (**col. 3 lines 28 – lines 67**); and an information transmitter **32** (i.e., the RF) transceiver for wirelessly transmitting the information to be transmitted to the neighbor (**col. 3 lines 35 –50**).

However, Himmelsten does not specifically teach a sensor for detecting a physical condition of a driver; a monitoring sensor for monitoring a condition in a vehicle; a condition determiner for determining the condition of the driver on the basis of detection signals of the sensors.

In the same field of endeavor, Naboulsi teaches a sensor for detecting a physical condition of a driver **24** (see **figure 3 and paragraph 0041**); a monitoring sensor for monitoring a condition in a vehicle (i.e., see **figure 3 paragraphs 0041 –0054**); a condition determiner for determining the condition of the driver on the basis of detection signals of the sensors (i.e., see **figures 3 and 4 and paragraphs 0050-0075**).

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Therefore it would have been obvious at the time the invention was made to modify the invention of Himmelstein as taught by Naboulshi for the purpose of having an integrated safety control system.

Consider **claim 20 and as applied to claim 19**, Himmelstein as modified by Naboulsi teaches the vehicular communication apparatus according to claim 19, further comprising: an information receiver **32**(i.e., the RF) for receiving information wirelessly transmitted (**col. 3 lines 35 –50**); an importance level determiner for determining the importance level of the received information (**col. 4 lines 48 – 67, col. 5 lines 32-38, and col. 14 line 62**); and an information output unit for supplying the received information if it is determined that the received information should be supplied to a user **46** (i.e., the AVI) (**col. 3 line 50- col. 4 line 21**).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gilbrech US 6,173,399 B1

Davis et al. US 2003/0186675 A1

Bain et al. US 2001/0034768

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Shedrick whose telephone number is (571)-272-8621.

The examiner can normally be reached on Monday thru Friday 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid Lester can be reached on (571)-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Charles Shedrick
AU 2687
January 15, 2006


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SUPERVISORY PRIMARY EXAMINER